

**REMARKS**

Initially, please note Counsel's Change of Address, through the Change of Correspondence Address transmittal document included herein.

In the present application, Claims 1 through 80 are pending. In the December 28, 2006 Office Action, the Office restricts claims 1 – 8, 13 -14, 16 – 21, 23 – 33, 37 – 39, 41 – 46, 48 – 61, 66 – 67, 69 – 74 and 76 – 80 as being drawn to a vehicle drive-through system (Group I); claims 10, - 35 and 63 as being drawn to a rewards system (Group II); claims 9, 11, 12, 15, 34, 36, 40, 62, 64, 65 and 68 being drawn towards a remote ordering subsystem (Group III); and claims 22, 47 and 75 as being drawn to a vehicle emission subsystem (Group IV).

Pursuant to 37 C.F.R. § 1.143, the Applicant provisionally elects Group I with traverse. However, the restriction requirement is submitted as being improper because the inventions claimed in Groups II – IV are not “independent and distinct” from the invention claimed in Group I.

In particular, independent Claim 1 is drawn to a process for controlling a facility having a structural facility adapted to receive, store and deliver goods and services, and further having at least one core computing system adapted generally to control the receipt, storage and delivery of the goods and services. Claims 2 – 55 all depend upon independent Claim 1, are all species of Claim 1, and include all of the limitations set forth in independent Claim 1 in accordance with 37 C.F.R. 1.141(a). This is true whether certain features are claimed as dependent claims (such as a reward system used in connection with the process for controlling a facility through a core computing system) or not. Thus, a search for one species under the independent Claim 1 will suffice for the other species claimed.

Moreover, independent Claim 56 is drawn to a method for managing a facility (which offers goods and services) through a core computer, the core computer having various claimed method steps to manage the facility. Dependent Claims 57 - 80 all depend upon independent Claim 56, are all species of Claim 1, and include all of the limitations set forth in independent Claim 1 in accordance with 37 C.F.R. 1.141(a). Thus, a search for one species under the independent Claim 56 will suffice for the other species claimed.

Finally, the Office groups Claims 10, 35 and 63 as drawn to a rewards subsystem. However, this is impermissible, because the segregation of these claims apart from the claims upon which they depend would result in a meaningless claim. For example, independent Claim 1 is drawn to a process for

controlling a facility having a structural facility adapted to receive, store and deliver goods and services, and further having at least one core computing system adapted generally to control the receipt, storage and delivery of the goods and services. Dependent Claim 10 is drawn towards a pre-ordering communication means adapted to facilitate communications between a customer a tenant of the facility, and the core computer system (*see e.g.*, dependent Claim 7). Dependant claim 10 has the further limitation that the pre-ordering communications means is drawn towards proving order communications to a remotely located customer. To separate defendant Claim 10 from its predecessor claims (e.g., Claims 9, 8, 7, 6, 5, 3, 2 and 1) would not result in a separate and distinct invention, as Claim 10 necessarily depends upon the elements found in independent Claim 1. The same analysis applies to all other claims in Group II, and applies to all of the other groupings identified by the Office (*i.e.*, Group III and IV). Thus, a search for one species under either independent Claim 1 or independent Claim 56 will suffice for all other species claimed thereunder.

In light of the foregoing, the Applicant respectfully requests that the restriction rejection be withdrawn. The undersigned would welcome a phone call from the Office to expedite the resolution of this application.

Respectfully submitted,

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